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09/477,093	01/04/2000	DANIEL W. GREEN	P04237	8705

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EXAMINER

HARKNESS, CHARLES A

ART UNIT

PAPER NUMBER

2183

DATE MAILED: 01/13/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,093

Applicant(s)

GREEN, DANIEL W.

Examiner

Charles A Harkness

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,9 and 17 are rejected under 35 U.S.C. 102(b) as being unpatentable over Witt U.S. Patent No. 6,141,747 (herein referred to as Witt). Referring to claims 1,9 and 17, Witt has taught a data processor comprising:

At least one pipelined integer execution unit (Witt column 10 lines 66-67, column 11 lines 1-5 and column 10 lines 15-17);

A data cache (Witt column 3 line 62 and figure 1 reference number 44);

An instruction cache (Witt column 3 lines 55-56 and figure 1 reference number 14);

And a floating point unit comprising:

plurality of processing units capable of executing instructions that write operands to an external memory and capable of executing instructions that read operands from said external memory (Witt column 10 lines 66-67, column 11 lines 1-5, and figure 1 reference numbers 40A and 40B). Where it is understood that Execution Core 0 (40A) and Execution Core 1 (40B) from figure 1, contain a plurality of floating point units.

3. An operand queue capable of storing a plurality of operands associated with one or more operations being processed in said floating point unit, wherein said operand queue stores a first operand being written to an external memory by a write instruction executed by a first one of

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said plurality of processing units (Witt column 12 lines 19-27 and figure 2 reference number 64) and wherein said operand queue supplies said first operand to a read instruction executed by a second one of said plurality of processing units (Witt column 12 lines 38-56 and column 2 lines 2-7) when said first operand is committed or virtually committed if said floating point read instruction requires said first operand (Witt figures 1-3, column 14 lines 19-29 and lines 38-56).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 10-13 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witt in view of Hinton et. al., U.S. Patent No. 5,721,855 (herein referred to as Hinton).

Each limitation of claims 1, 9, and 17, from which these claims depend, has been taught in the rejection of claims 1, 9, and 17 above.

6. Referring to claims 2-3, 10-11 and 18-19, Witt has not taught wherein said floating point unit further comprises a store conversion unit capable of converting operands in said plurality of floating point processing units from an internal format associated with said plurality of floating point processing units to an external format associated with said external memory. Nor has Witt taught wherein said operand queue receives said first operand from said store conversion unit and transfers said first operand to an external memory. Hinton has taught the use of a store conversion unit capable of converting operands in a floating point processing unit from an internal format associated with said floating point processing unit to an external format

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associated with said external memory (Hinton column 35, lines 29-39 and figure 25, reference number 2515). Hinton also taught wherein said operand queue receives said first operand from said store conversion unit (Hinton column 35 lines 29-32, and figure 25 reference numbers 2515 and 2535). By using a store conversion unit, the operands can be stored in a standard format while the floating point unit executes the operands in a different format which is optimal for executing. In turn reducing the execution time of the operands, and thus reducing the amount of time required to execute a program. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to add a store conversion unit that transfers the operands to said operand queue, so that the operands can be stored in memory in a different format than which they are executed in the floating point unit.

7. Referring to claims 4-5, 12-13, and 20-21 Witt has not taught wherein said floating point unit further comprises a load conversion unit capable of converting incoming operands received from said external memory from an external format associated with said external memory to an internal format associated with said plurality of floating point processing units. Nor has Witt taught wherein operand queue receives said incoming operands from said external memory and transfers said incoming operands to said load conversion unit. Hinton has taught the use of a load conversion unit capable of converting incoming operands received from an external memory from an external format associated with an external memory to an internal format associated with a floating point processing unit (Hinton column 35 lines 23-28 and figure 25 reference number 2525). Hinton also taught wherein operand queue transfers said incoming operands to said load conversion unit (Hinton figure 25 reference numbers 2535 and 2525). By using a load conversion unit, the floating point unit can access a operand that is in a standard format and then

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process the operand in its execution unit in a format that optimal for computations, which in turn can speed up the execution time of the operands thus reducing the amount of time required to execute a program. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to add a load conversion unit that receives incoming operands from the operand queue, so that the floating point unit could execute the operands in a different format than which the operands are stored in memory.

8. Claims 6-8, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Witt and Hinton in view of Senter et. al., U.S. Patent No. 5,987,593 (herein referred to as Senter). Each limitation of claims 5 and 13, from which these claims depend, has been taught in the rejection of claims 5 and 13 above.

9. Referring to claims 6-7 and 14-15, the combination of Witt and Hinton has not taught wherein data in said external memory is accessed in groups of N bytes and wherein said floating point unit further comprises at least one aligner capable of receiving a first incoming operand that is misaligned with respect to a boundary between a first N byte group and a second N byte group and aligning said first incoming operand. Nor has the combination of Witt and Hinton taught wherein said operand queue receives said aligned first incoming operand from said at least one aligner. Senter has taught wherein data in said external memory is accessed in groups of N bytes and wherein said floating point unit further comprises at least one aligner capable of receiving a first incoming operand that is misaligned with respect to a boundary between a first N byte group and a second N byte group and aligning said first incoming operand (Senter column 15 lines 17-64). By aligning the data as it comes into the operand queue, the operand is in proper format to be executed by the floating point execution unit. This allows for operands to

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be accessed where the data crosses a page boundary without requiring two caches accesses for one load (Senter column 15 lines 31-32). Since one cache access is eliminated the time is reduced for a load instruction, thus reducing the amount of time to execute a program. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use an aligner to align unaligned operands and transferring the results to the operand queue.

10. Referring to claims 8 and 16, the combination of Witt and Hinton has not taught wherein said at least one aligner sets at least one bit in said operand queue to indicate that said aligned first incoming operand is valid. Senter has taught setting at least one bit to indicate that an address is valid (Senter column 9 lines 56-58). By having the aligner set at least one bit in the operand queue in which an operand is stored, the execution unit can check to see if the operand is ready to be executed by checking said at least one bit. This will keep the execution unit from using an invalid operand, which will keep the execution unit from repeating an instruction and thus reducing the amount of time spent on an instruction, which reduces the time spent executing a program. It would have been obvious to one of ordinary skill in the art at the time of the invention that at least one bit could have been used to show the validity of the operand in the same manner as Senter used at least one bit to show the validity of the address. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have an aligner set at least one bit to indicate the validity of an operand in an operand queue to keep the execution unit from using an invalid operand.

Response to Arguments

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11. Applicant's arguments filed 10/06/03, paper number 15, have been fully considered but they are not persuasive.

12. In the remarks, Applicant argues in essence that:

“the Office Action fails to show that Witt recites supplying an operand that is ‘committed’ or ‘virtually committed.’”

13. This is not found persuasive. Applicant states that to be virtually committed requires going to a buffer from the queue before being stored in memory. But being “virtually committed” is broad, and one of ordinary skill in the art would recognize that an operand waiting in the store queue of Witt would be “virtually committed”. However, Applicant continually makes arguments such as, that an operand is virtually committed when “ it is transferred from an operand queue into a buffer”, when the recited features do not appear in the claim limitations.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transferring from an operand queue into a buffer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A Harkness whose telephone number is 703-305-7579. The examiner can normally be reached on 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on 703-305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7579.

Charles Allen Harkness
Examiner
Art Unit 2183
January 5, 2003



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